IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE TWENTY SEVENTH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION NO : 5650 of 2005

Between:

1 Sri N.Raju, s/o N.Muthyalu,
r/o 3-29, Lalagundla Village, Serilingampally Mandal, Ranga Reddy District.
2 Smt.N.Laxmi, w/o N.Raju,
r/o 3-29, Lalagundla Village, Serilingampally Mandal, Ranga Reddy District.
3 Sri N.Mallesh, s/o N.Mutbhyalu,
r/o 3-29, Lalagundla Village, Serilingampally Mandal, Ranga Reddy District.
4 Sri D.Krishna, s/o D.Ramulu,
r/o 3-29, Lalagundla Village, Serilingampally Mandal, Ranga Reddy District.
5 Sri Ramulu, s/o Sri Sailu,
r/o 3-29, Lalagundla Village, Serilingampally Mandal, Ranga Reddy District.

..... PETITIONERS

AND

1 The Circle Inspector, Police Station, Chandanagar, Ranga Reddy District.
2 The Commissioner of Serilingampalli Municipality, Ranga Reddy District.
3 The Mandal Revenue Officer, Serilingampally, Ranga Reddy District.
4 Sri C.Ratnaiah, s/o Shivaiah,
r/o 2-77, Nalagundla Village, Serilingampally Mandal, Ranga Reddy District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ, order or direction more particularly one in the nature of writ of mandamus directing the 1st respondent to take action on the complaint given by the petitioners and not to harass the petitioners by summoning them under the pretext to settle the matter, which is purely civil in nature and also direct the respondents 2 and 3 to protect the Smashana Vatika situated in Sy.No.301, Nalagundla Village, Serilingampalli Mandal, Ranga Reddy District.

Counsel for the Petitioners: MR.A.NARASIMHA RAO

Counsel for the Respondent No.1: GP FOR HOME

Counsel for the Respondent No.2: MR.P.RADHA KRISHNA

The Court made the following:

ORDER:

This writ petition is filed seeking to direct the first respondent to take action on the complaint lodged by the petitioners and not to harass the petitioners by summoning them under the pretext to settle the matter, which is purely civil in nature, and further, to direct the second and third respondents to protect the Smashana Vatika situated in Sy.No.301 of Nalagundla Village, Serilingampalli Mandal of Ranga Reddy District.

The petitioners belong to Budga Jungam community and are residents of Nalagundla Village. They claim that the said community has been using Smashana Vatika situated in the aforesaid land for the past 50 years. While so, as the fourth respondent was trying to encroach the said grave yard, the petitioners objected the same and that on 04.03.2005, they were beaten up by miscreants engaged by the fourth respondents, pursuant to which, they filed a complaint before the first respondent.

Now, the grievance of the petitioners is that instead of taking up the investigation, the first respondent is harassing them by summoning them to the police station everyday for the purpose of settlement of the matter.

The first respondent filed a counter-affidavit denying the allegations made in the affidavit. In the counter, at paragraph No.3 it is stated as under: -

> "It is further respectfully submitted that the petitioners also lodged a complaint on 04.03.2005 against the fourth respondent and some others alleging that due to grave yard issue the fourth respondent beat the petitioners with sticks and stones and requested this respondent to take necessary action. I submit that basing on the complaint of the petitioner, a case in Cr.No.87

of 2005 was registered against the fourth respondent and investigation was taken up. I submit that the fourth respondent and others in the said crime were arrested and produced before the concerned Hon'ble Court. At present the investigation in both the crimes is pending."

In view of the above statement in the counter-affidavit, as the crime is already registered and the investigation is under progress, I am of the considered view that no further orders need be passed in this writ petition.

Accordingly, the writ petition is disposed of. No order as to costs.

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27.04.2005

dr/tvk

To

1 The Circle Inspector, Police Station, Chandanagar, Ranga Reddy District.
2 The Commissioner of Serilingampalli Municipality, Ranga Reddy District.
3 The Mandal Revenue Officer, Serilingampally, Ranga Reddy District.
4 2 CCs to Government Pleader for Home,

High Court Buildings, Hyderabdad. (OUT)

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